



Legislative Department Seattle City Council Memorandum

Date: March 4, 2010

To: Committee on the Built Environment (COBE)

From: Sara Belz, Council Central Staff

Subject: **Clerk File (CF) 309287 and Council Bill (CB) 116808:** Petition of Ken McBride to rezone 34,472 square feet of land at 11340 Corliss Avenue North and 11334 Corliss Avenue North from Single Family 7200 to Single Family 5000 (Project No. 3008747, Type IV)

Background

This proposed rezone originally came before the City Council in early 2009. The subject property is located on the east side of Corliss Avenue North between North 113th Place and North 115th Street in the Northgate neighborhood. The site is comprised of two parcels and encompasses approximately 34,472 square feet of property. Ken McBride, the petitioner, is requesting that the site be rezoned from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000).

On March 25, 2009, the Planning, Land Use, and Neighborhoods Committee voted to recommend approval of the rezone to the Full Council. The Full Council took up the matter at its April 6, 2009, meeting and ultimately denied the rezone by a 5 to 4 vote on the grounds that it conflicted with Land Use Goal 9 in Seattle's Comprehensive Plan, which emphasizes maintaining the character of single family zones including "use, development, and density characteristics." In addition, the Council concluded that the rezone could set a precedent and compromise the single family character of the neighborhood by encouraging other homeowners to pursue rezones of their properties.

Mr. McBride subsequently chose to appeal the Council's decision by filing a Land Use Petition in King County Superior Court. In January 2010, the Court found that the Council erred in its decision to deny the rezone and issued an order (No. 09-2-17965-4) that granted Mr. McBride's Land Use Petition, vacated the Council's decision, and remanded the rezone to the Council for further proceedings consistent with the Court's conclusions. As a result of the court order, the rezone is now back before the Council.

Next Steps

CF 309287 and CB 116808 will be referred to COBE on March 8. COBE will take up the matter and possibly vote on a recommendation on the rezone request at its March 10 meeting. The Committee's recommendation will then be provided to the Full Council for a final vote.

Please note that this matter is still considered a quasi-judicial rezone under Seattle Municipal Code Chapter 23.76.004 and is subject to the Appearance of Fairness Doctrine, which prohibits ex-parte communication. As the Council's review must be based solely on the content of the court order and the record the Hearing Examiner established for this matter in 2009, no public testimony related to this rezone will be permitted at any Committee or Full Council meetings until the matter is no longer pending (at least 21 days after Full Council action).

Attachments

For your reference, copies of the following documents are attached to this memorandum:

- 1) Map of proposed rezone area;
- 2) Court order from King County Superior Court dated January 27, 2010 (PINK); and
- 3) Central Staff overview memorandum dated March 19, 2009 (YELLOW).

A full copy of the official record for this rezone is available in my office for Councilmembers to review.